

DURHAM, NORTH CAROLINA
MONDAY, May 21, 2001
7:00 P.M.

The Durham City Council met in regular session on the above date and time in the Council Chambers at City Hall with the following members present: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Absent: Council Member Edwards.

Also present: Interim City Manager Greg Bethea, City Attorney Henry Blinder, City Clerk D. Ann Gray and Deputy City Clerk Linda Bratcher.

Mayor Tennyson called the meeting to order welcoming Council Member Langley back from being absent due to medical reasons.

Council Member Jacobs announced that the Public Works Committee will not meet May 29 due to the Finance Budget Hearing and the next meeting is scheduled for June 11, 2001 in the Committee Room.

Council Member Larson reminded his colleagues that the May 24 Finance Committee will meet at the Police Substation at the Joyland Shopping Center on Holloway Street.

Council Member Blyth commented on her attendance at the City's Annual Police Officers Memorial Service on May 11 and the statewide service held in Wilson, NC on May 18.

Council Member Hill encouraged everyone to attend Edible Arts on Sunday, June 3 at 5:30 p.m. at the Civic Center and the NCAA Men's Golf Championship at Duke University, May 30 - June 2.

Council Member Langley thanked her colleagues and the citizens of Durham for their get-well wishes during her medical leave.

Council Member Wagstaff recognized employees from the Public Works Department for their hard work.

Council Member Cheek commented on the allegations made concerning City staff.

Council Member McKissick reminded his colleagues that the Passenger Vehicle for Hire Subcommittee is scheduled to meet Tuesday, May 22nd at 3:00 p.m.

City Clerk D. Ann Gray swore in Cheryl S. Sweeney as a member of the City-County Appearance Commission.

Mayor Tennyson read a proclamation proclaiming May 20-26, 2001 as "Public Works Week."

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Mayor Pro Tempore Clement commented on his participation in "City Hall at the Mall" this past Friday and urged citizens to attend the Annual Bimbe Festival, May 26-27, 2001.

The Mayor asked for priority items from the City Manager, City Attorney and City Clerk.

SUBJECT: FISCAL YEAR 2001-02 CITY OF DURHAM PRELIMINARY BUDGET AND PRELIMINARY CAPITAL IMPROVEMENT PROGRAM (CIP) FOR FISCAL YEARS 2002-2007

Interim City Manager Greg Bethea gave a presentation on the FY 2001-2002 Annual Budget totaling \$252 million. He highlighted the budget to include the following:

- 1) A Recommended 2.5-cent Tax Increase and Reasons:
 - *Increased debt service requirements* [1996 bonds; expected one-cent tax increase and increased debt service this year].
 - *City facility maintenance initiative* [\$1.6 million in maintenance and mechanical systems replacement and 8 new maintenance staff positions].
 - *Costs related to increased growth* [increased transportation funding and additional police beat for Southwest Durham].
 - *Increased firefighter staffing* [NFPA 1710, 100 firefighters needed and 42 new firefighters positions in FY 02 and construction of three planned fire stations].
- 2) Changes in Positions [30 positions have been deleted most are vacant and 25 non-firefighter positions added].
- 3) Salary Adjustments [2% structure adjustment for all employees and a 5% merit increase budgeted for qualified employees].
- 4) Future Challenges [Uncertainty of State Fiscal Crisis, Solid Waste Management Competition, Sales of Water and Sewer Services to Other Utilities].

At this time during the meeting, Council Member Jacobs read a "Resolution Honoring Chancellor Julius L. Chambers."

Several Council Members thanked Chancellor Chambers for his leadership at NCCU.

Council Member Larson discussed the budget hearing schedule.

Council Member McKissick made comments relative to the one-cent tax earmarked for the American Tobacco project.

MOTION by Council Member Larson seconded by Council Member Jacobs to receive the budget message from the City Manager; and

To receive the FY 2001-02 City of Durham Preliminary Budget and Preliminary Capital Improvement Program (CIP) for FYs 2002-2007. (To be distributed at the May 21 City Council Meeting); and

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To direct the City Clerk to maintain a copy of the FY 2001-02 City of Durham Preliminary Budget and Preliminary Capital Improvement Program (CIP) for FYs 2002-2007 in the Office of the City Clerk, where it shall remain available for public inspection until the budget and project ordinances are adopted; and

To direct the City Clerk to make a copy of the FY 2001-02 City of Durham Preliminary Budget and Preliminary Capital Improvement Program (CIP) for FYs 2002-2007 available to the news media in Durham County; and

To set a public hearing on Monday, June 4, 2001, at 7:00 p.m. in the Council Chambers, City Hall at which time any persons who wish to be heard on the Budget or the Capital Improvement Program may appear; and

To refer the FY 2001-02 City of Durham Preliminary Budget and the Capital Improvement Program for FYs 2002-2007 to the Finance Committee was approved at 7:47 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Edwards.

There were no priority items from the City Attorney.

City Clerk D. Ann Gray noted at a previous Council Meeting, Council was informed of a sufficient protest petition filed against GBA Item #2 [ZONING MATTER CASE: P00-67 - RHEIN INTERESTS]; however, she was notified by the City Attorney's Office today that the petition is ruled insufficient due to the withdrawal of several names.

Mayor Tennyson noted a revision to the Consent Agenda made at the Committee-of-the-Whole Meeting. Mayor Tennyson asked if any citizen(s) or council member(s) wanted to pull any item(s) from the Consent Agenda for discussion later in the meeting. [NO ITEMS PULLED FROM CONSENT AGENDA]

Relative to Consent Item #3 [STATUS REPORTS ON GANG ISSUE INITIATIVES], Council Member Langley thanked the Parks & Recreation Department for the summer programs and encouraged parents to be involved and help children participate in the programs.

MOTION by Council Member Larson seconded by Council Member Jacobs to approve the Consent Agenda as amended was approved at 7:49 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Edwards.

[CONSENT AGENDA]

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SUBJECT: DURHAM CIVIC CENTER AUTHORITY APPOINTMENT

MOTION by Council Member Larson seconded by Council Member Jacobs to appoint **Rodney E. Abraham** to the Durham Civic Center Authority for a term to expire July 31, 2001 was approved at 7:49 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Edwards.

SUBJECT: POLICE DEPARTMENT'S QUARTERLY REPORT FOR THE FIRST QUARTER OF CALENDAR YEAR 2001

MOTION by Council Member Larson seconded by Council Member Jacobs to receive the Police Department's Quarterly Report for the First Quarter of Calendar Year 2001 was approved at 7:49 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Edwards.

SUBJECT: STATUS REPORTS ON GANG ISSUE INITIATIVES

MOTION by Council Member Larson seconded by Council Member Jacobs to receive status reports from the Administration on Gang issue initiatives was approved at 7:49 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Edwards.

SUBJECT: AUTHORIZED SIGNATURES FOR DEPOSITORIES

MOTION by Council Member Larson seconded by Council Member Jacobs to adopt a "Resolution Designating Signatures of Individuals to be Honored by Depositories of the City of Durham" was approved at 7:49 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Edwards.

Resolution #8760

SUBJECT: FINAL DOCUMENT APPROVAL - PRE-CONSTRUCTION LOAN AGREEMENT WITH UDI/CDC FOR ELDERLY HOUSING

MOTION by Council Member Larson seconded by Council Member Jacobs to authorize the City Manager to execute a Pre-Construction Loan Agreement with UDI/CDC in the amount of \$15,000, to execute related closing documents for this project, and to make changes to the documents that do not increase the amount of the agreement or

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the time of the performance by UDI/CDC as are consistent with the City's affordable housing policies was approved at 7:49 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Edwards.

SUBJECT: VIOLATION OF CITY COUNCIL RULES OF PROCEDURES

MOTION by Council Member Larson seconded by Council Member Jacobs to direct the City Attorney to take a look and report to the Council Procedures Subcommittee on what would be a logical sanction for a violation of the rules of procedure by a member of Council was approved at 7:49 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Edwards.

Note: Procedures Subcommittee to report back to Council at the June 4, 2001 City Council Meeting - through the May 31, 2001 Committee-of-the-Whole Meeting)

SUBJECT: BOARD OF ADJUSTMENT APPOINTMENT

MOTION by Council Member Larson seconded by Council Member Jacobs to appoint **Kristen Rosselli**, Regular Member, to the Durham Board of Adjustment for a term to expire June 30, 2004 was approved at 7:49 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Edwards.

SUBJECT: REGIONAL TRANSPORTATION STRATEGY

MOTION by Council Member Larson seconded by Council Member Jacobs to adopt a "Resolution Endorsing the Findings of the Regional Transportation Strategy" was approved at 7:49 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Edwards.

Resolution #8761

SUBJECT: NORTH CAROLINA DEPARTMENT OF TRANSPORTATION (NCDOT) MUNICIPAL LANDSCAPE AGREEMENTS - U.S. 15-501/MARTIN LUTHER KING, JR. PARKWAY INTERCHANGE AND N.C. 147/ROXBORO STREET INTERCHANGE

MOTION by Council Member Larson seconded by Council Member Jacobs

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to adopt a resolution authorizing the City Manager to execute a Landscape Agreement with NCDOT (Project: U-2206 and Project 8.2350702) for landscape plantings at the U.S. 15-501/Martin Luther King, Jr. Parkway Interchange; and

To adopt a resolution authorizing the City Manager to execute a Landscape Agreement with NCDOT (Project: E-2973 E) for landscape plantings at the N.C. 147/Roxboro Street Interchange was approved at 7:49 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Edwards.

Resolution #8762-8763

SUBJECT: ADDITIONAL APPROPRIATIONS TO CONTRACT ST-196 STREET IMPROVEMENTS - WOODCROFT PARKWAY EXTENSION

MOTION by Council Member Larson seconded by Council Member Jacobs to authorize an additional \$270,000 for Contract ST-196 Street Improvements for the Woodcroft Parkway Extension was approved at 7:49 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Edwards.

SUBJECT: MARTIN LUTHER KING, JR. PARKWAY - STREETScape DESIGN - KIMLEY-HORN & ASSOCIATES, INCORPORATED

MOTION by Council Member Larson seconded by Council Member Jacobs to authorize the City Manager to execute a contract in an amount not to exceed \$180,000 with Kimley-Horn & Associates, Incorporated for the design services of the Martin Luther King, Jr. Parkway Streetscape Project; and

To authorize the expenditure of up to \$180,000 from the Martin Luther King, Jr. Parkway Account was approved at 7:49 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Edwards.

SUBJECT: WATER EXTENSION AGREEMENT WITH WESTFIELD HOMES OF NORTH CAROLINA, INCORPORATED - WESTFIELD SUBDIVISION

MOTION by Council Member Larson seconded by Council Member Jacobs to authorize the City Manager to execute a Water Extension Agreement with Westfield Homes of North Carolina, Incorporated to extend City water to serve Westfield, a proposed 170 unit, 37 acre, residential subdivision located on the north side of Scott King Road east of Herndon Road was approved at 7:49 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement

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and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Edwards.

SUBJECT: WATER AND SEWER EXTENSION AGREEMENT WITH FOUNTAINS INVESTMENTS, LLC - THE FOUNTAINS OFFICE PARK

MOTION by Council Member Larson seconded by Council Member Jacobs to authorize the City Manager to execute a Water and Sewer Extension Agreement with Fountains Investments, LLC to extend City water and sewer to serve The Fountains Office Park, a 42-acre office and commercial development located at the northeast corner of NC 54 and Leigh Farm Road was approved at 7:49 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Edwards.

SUBJECT: ENHANCEMENT AGREEMENT WITH NORTH CAROLINA DEPARTMENT OF TRANSPORTATION (NCDOT) FOR THE ENO GREENWAY, PHASE I

MOTION by Council Member Larson seconded by Council Member Jacobs to adopt "An Ordinance Amending General Capital Improvement Project Ordinance, as Amended, the Same Being Ordinance #12267"; and

To adopt a resolution authorizing the City Manager to execute an Enhancement Agreement with NCDOT (Project: E-4529) for the construction of Phase I of the Eno Greenway was approved at 7:49 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Edwards.

Ordinance #12294
Resolution #8764

SUBJECT: RECYCLING CONTRACT AMENDMENT #2 - TIDEWATER FIBRE CORP. (TFC)

MOTION by Council Member Larson seconded by Council Member Jacobs to authorize the City Manager to execute Amendment #2 to the Contract between the City of Durham and Tidewater Fibre Corp. (TFC) for an amount not to exceed \$2,234,340 for the provision of recycling services; and

To authorize the City Manager to modify the contract amendment before execution provided the modifications do not increase the dollar amount of the contract and are consistent with the general intent of the version of the contract approved by City Council was approved at 7:49 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth,

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Burnette, Cheek, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Edwards.

SUBJECT: VOLUNTARY ANNEXATION PETITIONS SUBMITTED PRIOR TO APRIL 1, 2001 - VILLAGES AT INDEPENDENCE PARK, RIDGEWOOD III, HERNDON ROAD TRACT/MCKITTRICK, C. C. WOODS CONSTRUCTION COMPANY AND WESTFIELD DEVELOPMENT

MOTION by Council Member Larson seconded by Council Member Jacobs to receive a report from the Administration on voluntary annexation petitions submitted prior to April 1, 2001; and

To accept the City Clerk's certification of 100% ownership as required by N.C. General Statutes 160A-58 and 160A-31; and

To adopt the resolutions setting public hearings for Monday, June 4, 2001 to consider the following submitted voluntary petition annexations: Villages at Independence Park, Ridgewood III, Herndon Road Tract/McKittrick, C. C. Woods Construction Company and Westfield Development was approved at 7:49 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Jacobs, Langley, Hill, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Edwards.

Resolution #8767-8771

SUBJECT: RESOLUTION MEMORIALIZING PAUL JAMES DUMAS

MOTION by Council Member Larson seconded by Council Member Jacobs to adopt a "Resolution Memorializing Paul James Dumas" was approved at 7:49 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Edwards.

Resolution #8765

SUBJECT: RESOLUTION MEMORIALIZING WILLIAM ALEXANDER CLEMENT, SR.

MOTION by Council Member Larson seconded by Council Member Jacobs to adopt a "Resolution Memorializing William Alexander Clement, Sr." was approved at 7:49 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Edwards.

Resolution #8766

SUBJECT: SETTING PUBLIC HEARINGS TO CONSIDER ORDERING PETITIONED IMPROVEMENTS

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MOTION by Council Member Larson seconded by Council Member Jacobs to accept a Certificate of Sufficiency from the Manager of Engineering for each of the following petitions, and

To adopt resolutions setting public hearings on Monday, June 4, 2001 to consider ordering the following improvements was approved at 7:49 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Edwards.

- a. **Water Main - Northbury Circle** from Atterbury Lane to the end of the cul-de-sac,
- b. **Sewer Main - Northbury Circle** from Atterbury Lane to the end of the cul-de-sac, and
- c. **Water Main - Fenimore Street** from Chandler Road to the west property line of Tax Map 387-1-64.

SUBJECT: STOP SIGNS - METHODIST STREET

MOTION by Council Member Larson seconded by Council Member Jacobs to adopt an ordinance authorizing the installation of stop signs on Methodist Street at Rolling Pines Avenue, northeast and southwest corners was approved at 7:49 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Edwards.

Ordinance #12295

SUBJECT: STOP SIGNS - LODESTONE DRIVE (STONE HILL ESTATES SUBDIVISION)

MOTION by Council Member Larson seconded by Council Member Jacobs to adopt an ordinance authorizing the installation of stop signs on Lodestone Drive at Quartz Drive, north and south corners was approved at 7:49 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Edwards.

Ordinance #12296

[GENERAL BUSINESS AGENDA]

[PUBLIC HEARINGS]

SUBJECT: WATER MAIN ON GRANDALE DRIVE FROM BARBEE ROAD TO AMANDA

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ROAD - ASSESSMENT ROLL

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Jacobs to adopt a resolution confirming the assessment roll for water main on Grandale Drive from Barbee Road to Amanda Road was approved at 7:50 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Edwards.

**SUBJECT: ZONING MATTER CASE: P00-67 - RHEIN INTERESTS
- 101.23 ACRES ON THE EAST SIDE OF GUESS ROAD NORTH OF
LATTA ROAD ON THE NORTH SIDE OF CROOKED CREEK --
INCLUDES AN UNDEVELOPED PORTION OF THE DOVER RIDGE
SUBDIVISION**

Case: P00-67 (Continued from the March 19, 2001 City Council Meeting)

Applicant: Rhein Interests

Location: 101.23 acres on the east side of Guess Road north of Latta Road on the north side of Crooked Creek --includes an undeveloped portion of the Dover Ridge Subdivision (City Atlas Page 7, A-4 and A-3)

Request: Rezoning from RD (Rural District) and PDR 2.11 (Planned Density Residential District with a maximum of 2.11 units per acre) to PDR 2.3 (Planned Density Residential District with a maximum of 2.3 units per acre) and E-B (Eno-Basin)

Zoning Committee's Recommendation and Vote: Denial (5 against and 2 in favor)

Planning Department's Recommendation: Approval

Note: City Clerk D. Ann Gray noted protest petition was ruled insufficient due to the removal of several names.

Dick Hails, of City/County Planning Department, summarized minor changes to the development plan.

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

Proponent

Jack Markham, representing the applicant, spoke in support of this rezoning noting decrease in density, proposal is consistent with the Lebanon Township Plan, 2020 Plan, Thoroughfare Plan and Durham Urban Trails & Greenways Master Plan. Also, he commented on the relocation of the recreational area. Further, he stated within

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the steam buffers and open space along the southern and eastern boundaries of the property, there will be easements dedicated to the City of Durham for the construction of trails and the remainder of open space will be dedicated to the Homeowners Association. Also, the applicant has agreed to make all road improvements as indicated by the City and DOT.

No one spoke in opposition to this rezoning.

Mayor Tennyson declared the public hearing closed.

Council held discussion on the recreational area and four access points.

Council Member Blyth spoke in opposition to this rezoning due to road overcapacity, increased impact on schools and proposed tax increase concerns.

Mayor Tennyson spoke in support of this rezoning.

MOTION by Council Member Larson seconded by Mayor Pro Tempore Clement to adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of RD and PDR 2.11 and placing same in and establishing same as PDR 2.3, E-B was approved at 8:05 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Cheek, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: Council Members Blyth and Burnette. Absent: Council Member Edwards.

SUBJECT: ZONING MATTER CASE: P01-21 - PMH ASSOCIATES - 19.87 ACRES ON THE NORTH SIDE OF THE MARTIN LUTHER KING, JR. PARKWAY, BETWEEN COOK ROAD AND FAYETTEVILLE ROAD

Case: P01-21

Applicant: PMH Associates

Location: 19.87 acres on the north side of the Martin Luther King, Jr. Parkway, between Cook Road and Fayetteville Road

Request: PDR 10 to PDR 10 (Change in Development Plan with a range of 9 to 17 units per acre)

Zoning Committee's Recommendation and Vote: Courtesy Review on 5/8/01 - Endorsement (7-0)

Planning Department's Recommendation: Approval

Dick Hails, representing the City/County Planning Department, briefed Council on the staff report and noted proposal is consistent with adopted plans and staff recommends approval.

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

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MOTION by Council Member Larson seconded by Mayor Pro Tempore Clement to adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, to make a change in the PDR 10 Development Plan for the above described property was approved at 8:06 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Edwards.

SUBJECT: MOREHEAD HILL HISTORIC DISTRICT OVERLAY ZONE AND PLAN - PUBLIC COMMENT/ADOPTION

To receive citizens' comments on the Morehead Hill District Overlay Zone and the Draft Plan.

To designate the Morehead Hill Historic District.

To adopt the *Morehead Hill Historic District Preservation Plan*.

Stephen Cruse, of City/County Planning Department, noted that the Zoning Committee and the Historic Preservation Commission unanimously endorsed the designation of this district.

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

Blaine Butterworth, Historic District Committee Chair, submitted a petition urging Council to approve Morehead Hill as a local overlay Historic District.

Steve Ritz, President of Morehead Hills Association, spoke in support of this matter due to the beauty and character of the neighborhood and noted the designation would protect the neighborhood against undesirable commercial encroachment.

Nelson Cheers, of Lakewood Avenue, expressed opposition to the Morehead Hill Historic District noting her property is not a national historic landmark and should not be included in this Historic District. She stated homes directly across the street are not included in this district and it is unfair for her to follow stringent regulations for exterior changes to her property and would create a financial burden.

Stephen Cruse, of City/County Planning Department, briefed Council on the boundaries for designating districts and guidelines for additions to one's property. Also, he made comments about the state law for historic districts noting the City is required to list properties in the district whether they are historic or not.

Council Member Hill asked staff what is the financial implications to the City.

Stephen Cruse, of City/County Planning Department, replied there

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is no cost for local district designation.

Mayor Pro Tempore Clement asked Ms. Cheers would this be an inconvenience on her quality of life.

Ms. Nelson Cheers replied there would be more cost than benefits.

Mayor Pro Tempore Clement noted that he felt uncomfortable in approving this item but supports the concept.

Stephen Cruse, of City/County Planning Department, made comments about a boundary change.

Council held discussion on property tax value and historic landmark program.

Ida Simpson spoke in support of this item noting it would help to prevent commercial encroachment, enrich and revitalize the neighborhood.

Mayor Tennyson re-opened the public hearing.

Milo Pyne spoke in support of this item.

Several Council Members spoke in support of this item.

The Mayor expressed concern about the issues raised by Ms. Cheers.

A motion was made by Council Member Larson seconded by Mayor Pro Tempore Clement to continue this matter until the June 4, 2001 City Council Meeting.

Council Member McKissick made comments about exempting Ms. Cheers' property by address.

City Attorney Henry Blinder made comments about the process of notification to citizens.

Several Council Members expressed a concern about exempting properties.

A substitute motion was made by Council Member Blyth seconded by Council Member Cheek to approve the item as printed on the agenda.

MOTION by Council Member Cheek seconded by Council Member Blyth to allow Council Members McKissick and Larson a third opportunity to speak was approved at 8:49 p.m. by the following vote: Ayes: Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: Mayor Tennyson. Absent: Council Member Edwards.

Council Member McKissick spoke in support of exempting Ms. Chear's property noting that it would not impair the integrity of plan.

Council Member Larson spoke in support of holding this item for

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two weeks.

SUBSTITUTE MOTION by Council Member Blyth seconded by Council Member Cheek to receive citizens' comments on the Morehead Hill District Overlay Zone and the Draft Plan; and

To designate the Morehead Hill Historic District; and

To adopt the *Morehead Hill Historic District Preservation Plan* **FAILED** at 8:53 p.m. by the following vote: Ayes: Council Members Blyth, Burnette, Cheek, Hill, Langley and McKissick. Noes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Jacobs, Larson, Stith and Wagstaff. Absent: Council Member Edwards.

MOTION by Council Member Larson seconded by Mayor Pro Tempore Clement to receive citizens' comments on the Morehead Hill District Overlay Zone and the Draft Plan; and

To continue this item until the June 4, 2001 City Council Meeting was approved at 8:53 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cheek, Hill, Jacobs, Langley, Larson and Stith. Noes: Council Members Blyth, McKissick and Wagstaff. Absent: Council Member Edwards.

SUBJECT: WEST/NORTHWEST DURHAM PLAN - PUBLIC COMMENT/ADOPTION

To receive citizens' comments on the Draft *West/Northwest Durham Plan*.

To adopt the *West/Northwest Durham Plan*.

Bonnie Estes, of City/County Planning Department, recognized Dwight Yarborough for a presentation on a small area plan.

Dwight Yarborough, of City/County Planning Department, gave an overview on the West/Northwest Durham Plan indicating it promotes and supports a managed growth approach to the continued development of the area. Also, he highlighted the population, land use, roadway system, community facilities, nonresidential development located within the area and outlined objectives for the West/Northwest Durham Plan and policies directed at achieving the plan's objectives.

Mayor Pro Tempore Clement opened the public hearing.

Mayor Tennyson made comments relative to the written comments from Lanier Blum in opposition to the Proposed Area Plan for West/Northwest Durham.

Bonnie Estes, of City/County Planning Department, commented on the process for adopted small area plans and Ms. Blum's comments.

Mayor Tennyson requested the administration to provide updated

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census information.

MOTION by Council Member McKissick seconded by Council Member Blyth to receive citizens' comments on the Draft *West/Northwest Durham Plan* and refer this item along with written comments from Lanier Blum to the Durham Planning Commission for review was approved at 9:09 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Edwards.

[OTHER MATTERS]

SUBJECT: STREET IMPACT FEES

To receive a report from the Administration on street impact fees; and

To receive citizens' comments on the proposed street impact fee changes and proposed change in level of service from "C" to "D"; and

To adopt level of service "D", as defined in the Highway Capacity Manual, as the standard of service for the City's street network; and

To adopt a "Resolution to Amend Service Zones for Street Impact Fee Administration"; and

To adopt "An Ordinance Amending Chapter 25 of the Durham City Code Related to Street Impact Fees"; and

To adopt a "Resolution of the City Council of the City of Durham to Create a Street Impact Fee Reimbursement Program for Certain Affordable Housing Projects."

Phillip Vereen, representing the Durham Chamber of Commerce, spoke in support of street impact fees noting that it will address Durham's transportation infrastructure need.

Ted Conner, representing the Durham Chamber of Commerce, spoke in support noting it is a fair impact fee schedule that reflects smart growth principles and mixed-used development.

Greg Sandreuter, representing NAIOP, thanked Council and staff for allowing his group to participate in the process.

A motion was made by Mayor Pro Tempore Clement seconded by Council Member Wagstaff to approve the item as printed on the agenda.

Council Member McKissick asked that the third motion on the agenda be severed. He made comments regarding an inflation factor and expressed concern about the level of service.

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Council Member Blyth asked that the fifth motion on the agenda be severed.

A substitute motion was made by Council Member Blyth seconded by Council Member Wagstaff to approve an increase to 25% of the maximum allowable fee effective September 1, 2001 and to direct staff to prepare a report by October 1, 2001 relating to a potential increase of an additional amount.

Laura Gill, Acting Assistant City Manager, discussed the level of deficiencies between level of service C and D.

Council Member McKissick made comments relative to the issue of CIP increases.

MOTION by Mayor Pro Tempore Clement seconded by Council Member Wagstaff to receive a report from the Administration on street impact fees; and

To receive citizens' comments on the proposed street impact fee changes and proposed change in level of service from "C" to "D" was approved at 9:28 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Edwards.

Laura Gill, Acting Assistant City Manager, stated the effective date for the level of service change should be September 1, 2001.

MOTION by Mayor Pro Tempore Clement seconded by Council Member Wagstaff to adopt level of service "D", as defined in the Highway Capacity Manual, as the standard of service for the City's street network effective September 1, 2001 was approved at 9:29 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Cheek, Hill, Jacobs, Langley, Larson and Stith. Noes: Council Members Blyth, Burnette, McKissick and Wagstaff. Absent: Council Member Edwards.

MOTION by Mayor Pro Tempore Clement seconded by Council Member Wagstaff to adopt a "Resolution to Amend Service Zones for Street Impact Fee Administration"; and

To adopt a "Resolution of the City Council of the City of Durham to Create a Street Impact Fee Reimbursement Program for Certain Affordable Housing Projects" was approved at 9:30 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Edwards.

Resolution #8772-8773

SUBSTITUTE MOTION by Council Member Blyth seconded by Council Member Wagstaff to approve an increase to 25% of the maximum allowable fee effective September 1 and to direct staff to prepare

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a report by October 1, 2001 relating to a potential increase of an additional amount **FAILED** at 9:30 p.m. by the following vote: Ayes: Council Members Blyth, Burnette and Wagstaff. Noes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Cheek, Hill, Jacobs, Langley, Larson, McKissick and Stith. Absent: Council Member Edwards.

MOTION by Mayor Pro Tempore Clement seconded by Council Member Wagstaff to adopt "An Ordinance Amending Chapter 25 of the Durham City Code Related to Street Impact Fees" was approved at 9:31 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Cheek, Hill, Jacobs, Langley, Larson, McKissick and Stith. Noes: Council Members Burnette and Wagstaff. Absent: Council Member Edwards.

Ordinance #12297

[SUPPLEMENTAL ITEMS]

SUBJECT: CITY COUNCIL RETREAT - THURSDAY, JUNE 28, 2001, 8:30 A.M.

MOTION by Council Member Larson seconded by Mayor Pro Tempore Clement to schedule a City Council Retreat on Thursday, June 28, 2001, 8:30 a.m. in the Committee Room, City Hall was approved at 9:31 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Edwards.

SUBJECT: HOUSE BILL 910 - SHORT TITLE: CARY, GARNER AND SPENCER CLEAR-CUTTING

MOTION by Council Member Larson seconded by Council Member Jacobs to request the Legislative Delegation to add Durham to House Bill 910 was approved at 9:32 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Edwards.

There being no further business to come before the City Council, the meeting was adjourned at 9:32 p.m.

Linda E. Bratcher
Deputy City Clerk

D. Ann Gray, CMC
City Clerk